

Records and Information Management (RIM) 101

23 Feb. 2021: Part 3

How to Manage Unique Formats
Destroying Scanned Paper Records

Outline

How do you manage...

- Social media
- Databases
- Shared databases
- Email
- Chat, IM, text messages

Can you destroy the paper after digitizing it?

Welcome!

- Use chat box for questions / tech issues
- Or un-mute yourself to ask a question
- Recording will be posted to YouTube, along with a link to the slides

What type of agency do you represent?

- A. State
- B. County
- C. Municipality
- D. Special district, service district, transit district, interlocal, etc.
- E. School, charter school, school district, university, college
- F. Other governmental entity
- G. Not a government employee

Disclaimer

We are not lawyers.

Content is based on professional best practices.

Please consult with your legal team.

How Do You Manage (Format)?

For Each Format

- Format-specific challenges (& possible solutions)
- Applicable retention schedules (general or series-specific)
- Existing guidelines
- To do

How Do You Manage Social Media?



Which social media platforms does your agency use?

(Write answer in comments)

Social Media Challenge #1

What constitutes a record?

- The post and all accompanying comments, shares, likes, etc.

Social Media Challenge #2

How do you preserve the records?

- Social media management application
 - Schedule posts, manage posts/comments, backup, export
 - State has contract with ArchiveSocial
- Hand export
- ~~Screenshots~~

Social Media Challenge #3

What do you do with comments or posts that have to be removed?

- Save a copy of deleted / removed comments
- Post acceptable use policies to warn users of potential removal of inappropriate comments

Social Media Challenge #4

Who should have access to the account?

- That's up to your agency & your agency's needs
- Create internal policy to address account administration
- Fewer is more secure (but more than one)

Social Media Challenge #5

Who owns the records?

- Usually not the user. Refer to terms of service agreement
- See Archives guideline for specific considerations

Social Media Retention Schedules

- Posts, tweets, blogs, etc.
 - GRS-1678: Publications (permanent)
 - GRS-1716: Public relations records (permanent)
 - ~~GRS-1759: Transitory correspondence (resolution of issue)~~
- Webpages
 - GRS-1678: Publications (permanent)
 - GRS-3: Annual or official reports (permanent)

Social Media Guidelines

- *Social Media Use Guideline for Government Agencies*

<https://archives.utah.gov/documents/social-media-guideline-2019.pdf>

Social Media: To Do

- Read the Archives guidelines
- Have clearly-stated and easily-accessible acceptable use policies on all social media profiles
- Keep a copy of any deleted comments/posts
- Limit the number of account administrators
- Look into export/backup/archiving options

Social Media

Questions?

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How Do You Manage Databases?



Who's the expert on your agency's database?

- A. You
- B. An employee whose job is to maintain the database
- C. Another employee
- D. A vendor
- E. Someone else

Database Challenge #1

How do you schedule records in a database?

- Records appraisal
 - What do the records document?
 - What is the administrative, fiscal, legal, or historical value of the records?
 - How long should the records be retained?

Database Challenge #2

How can you implement retention if you can't delete records?

- Build in retention capabilities yourself (or with vendor)
- Manually delete/transfer
- Maintain records if you cannot delete/archive them
- Ensure next system has retention tools

Database Challenge #3

Why would you create a retention schedule for records in a database if you can't implement retention?

- Be in compliance with the law
- Eventually you'll move to a system **with** retention tools; you'll be prepared
- Shows the need for retention tools
- Shows management you're serious about RIM

Database Challenge #4

How do you transfer records from a database to the Archives?

- Contact us
- Each system is unique
- Depends on volume of records, format, etc.

Databases Retention Schedules

- NO "database" general retention schedules
- Check your agency's series retention schedules already set up with State Archives
- May create a series retention schedule for *records* in a database

Database Guidelines

- *Guideline for Managing Data When Using a Third-Party Vendor*

<https://archives.utah.gov/documents/third-party-vendor-guideline.pdf>

Databases: To Do

- Know what records are in your systems (including appraisal & retention needs)
- Have retention schedules for all your records
- Manage records & keep them safe (security, access, backups, policies) until you can implement retention
- Use existing retention tools in capable systems
- Insist on retention capability when moving to a new system

Databases

Questions?

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How Do You Manage Shared Databases?



Second Disclaimer

This is tricky stuff and we're not actually lawyers.

Please consult with your legal team.

Does your agency share a database with other agencies?

- A. Yes (law enforcement)
- B. Yes (not law enforcement)
- C. No
- D. Not sure

Shared Database Challenge #1

Who owns the record?

- It might be you, or it might not
- Create record-sharing agreement & policies to clarify roles & responsibilities

Shared Database Challenge #2

Who provides access to the record?

- It might be you, or it might not
- If you receive a GRAMA request for a record that has been shared with you, you may NOT provide access to it (even if it's part of your new record)
- Rosemary Cundiff, 801-531-3858

Shared Database Challenge #3

How do you implement retention when other people / agencies rely on the records too?

- Coordinate with other users & analyze options
- Maintain records
- Make plans for the future

Shared Database Retention Schedules

- NO "database" general retention schedules
- Check your agency's series retention schedules already set up with State Archives
- May create a series retention schedule for *records* in a database

Shared Database Guidelines

- *GRAMA and Sharing Records*

<https://archives.utah.gov/opengovernment/sharing-records.html>

Shared Databases: To Do

- Know what records are in your systems (including appraisal & retention needs)
- Have retention schedules for all your records
- Have a record-sharing agreement
- Manage records & keep them safe (security, access, backups, policies) until you can implement retention

Shared databases

Questions?

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How Do You Manage Email?



What is one word or phrase you associate with email management?

(Write answer in comments. Please, no
swear words.)

Email Challenge #1

How long do you have to keep email?

It depends.

Email Retention Schedules



Email Retention Schedules

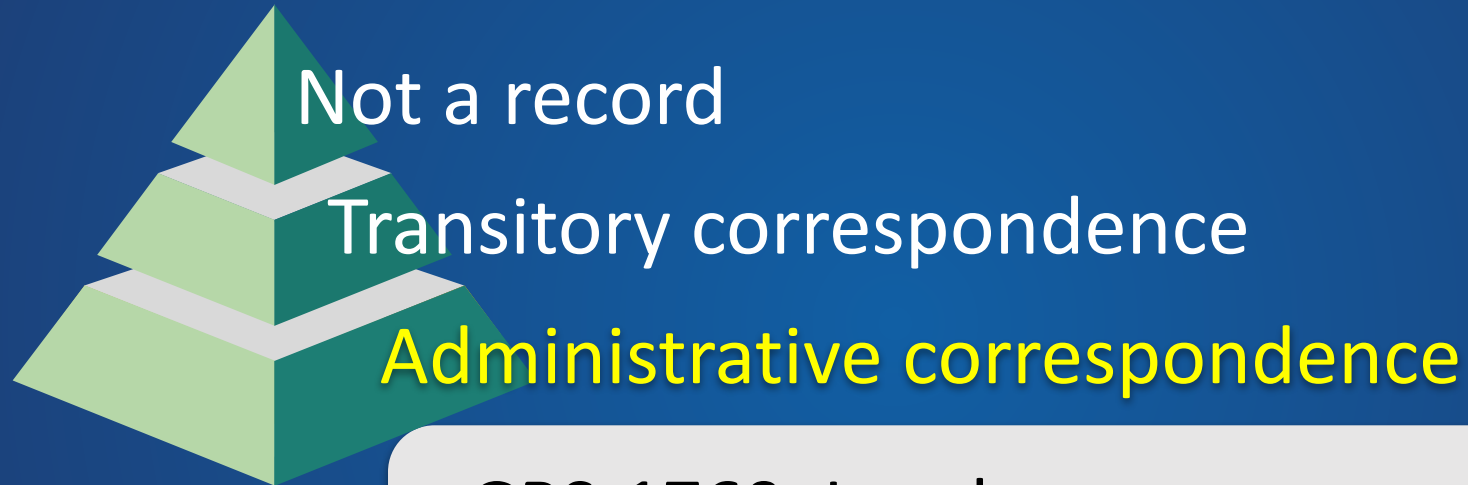


Email Retention Schedules



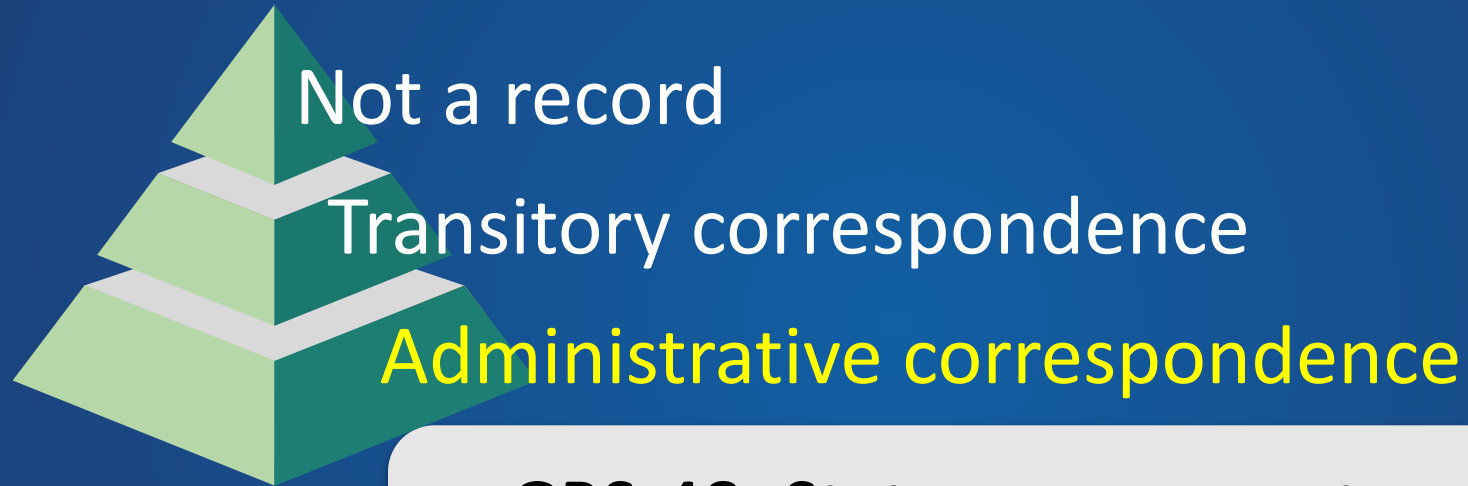
GRS-1759: Transitory correspondence (retain until resolution of issue (less than 1 year), then destroy)

Email Retention Schedules



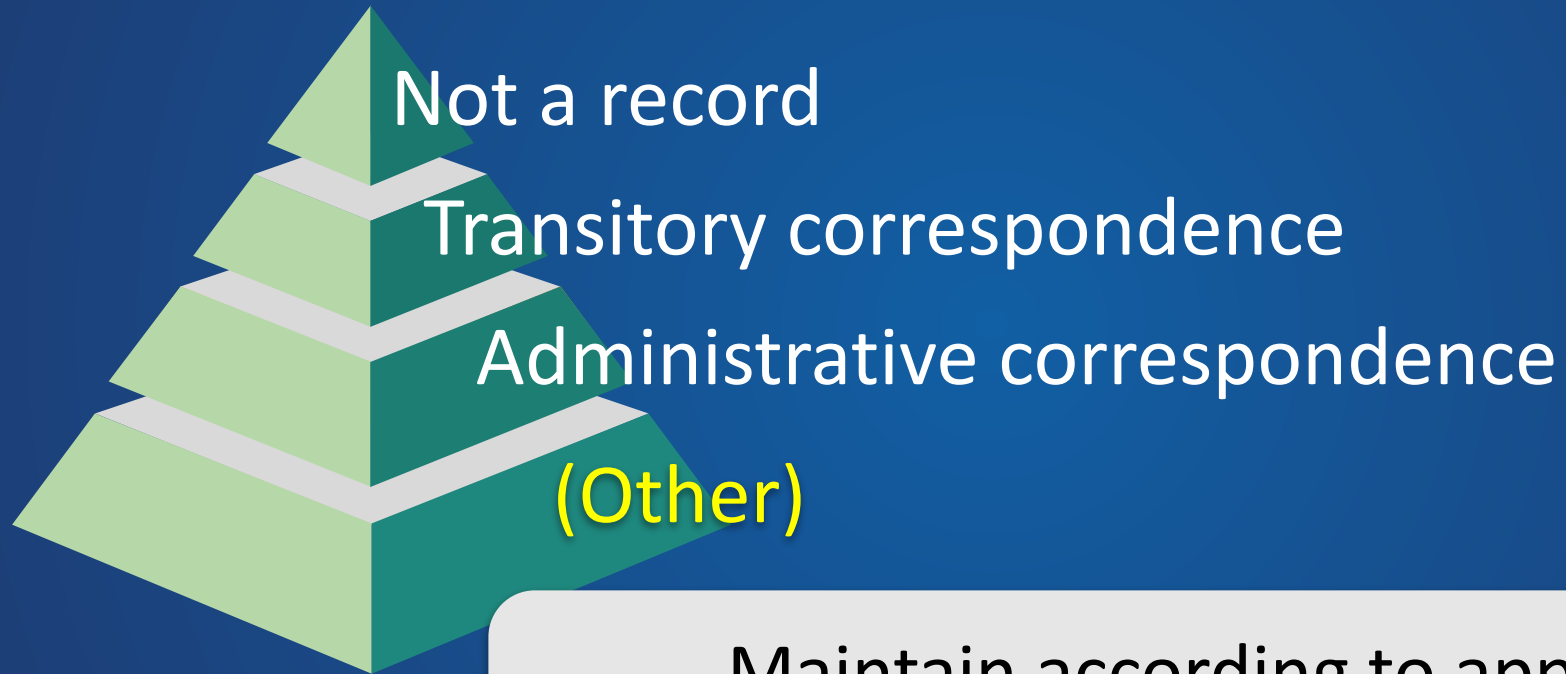
GRS-1760: Local government routine administrative correspondence (3 years, then destroy)

Email Retention Schedules



GRS-48: State government routine administrative correspondence (7 years, then destroy)

Email Retention Schedules



Maintain according to approved retention schedules governing other records

Email Retention Schedules



Not a record

Transitory correspondence

GRS-1758: State agency executive
correspondence (permanent)

State agency executive corr.
Program & policy development

Email Retention Schedules



Not a record

Transitory correspondence

GRS-1717: Program and policy
development records (permanent)

State agency executive corr.

Program & policy development

Email Retention Schedules

- GRS-1759: Transitory correspondence
- GRS-1760: Local government routine administrative correspondence (3 years)
- GRS-48: State government routine administrative correspondence (7 years)
- Other retention schedules
- GRS-1758: State agency executive correspondence
- GRS-1717: Program and policy development

Email Challenge #2

Where do you even start?

- A. Existing policies, procedures, practices
- B. End goal: permanent preservation of historical records, non-permanent retention of others according to schedule
- How to get from A to B?

Email Challenge #2a

How do you get from A to B?

1. Address historical records

- Capstone approach
 - Executive account preserved; agency defines executive positions
- Tags, labels, folders
- Single shared account
- System integration

Email Challenge #2a

How do you get from A to B?

2. Address non-historical and non-transitory records

- Determine which retention schedules apply
- Tags, labels, folders
- Single shared account
- System integration
- Scheduled retention

Email Challenge #2a

How do you get from A to B?

3. Address transitory records

- Tags, labels, folders
- Auto-delete
- Employee training

Email Challenge #3

How do you send historical email to State Archives for preservation?

- Use .eml format
- State agencies - let us know when an executive leaves
- Local agencies - work with your RIM specialist and your IT people

Email Challenge #4

Email is too hard. Can you just delete all your email?

- No
- Phone calls or meetings instead of email

Email Challenge #5

Email Challenge #5: BUT WHY?

What happens if you don't organize your email?

It will impact your agency when you receive a GRAMA request or you're involved in litigation and you have to find specific emails.

Email Challenge #5: BUT WHY?

More records = more time = more money

\$18,000 cost per gigabyte for records discovery

- Seth Katsuya Endo, "Technological Opacity & Procedural Injustice," *Boston College Law Review*, Vol. 59, Iss. 3, pp. 822-875, 2018.

Email Guideline

- *Email Management Guideline*

https://archives.utah.gov/rim/erm/Email%20Management%20Guideline_Revised_11-26-2019.pdf

- *Email Management for Local Agencies, 2020*

https://archives.utah.gov/rim/event_materials/20200819-email-management.html

- *Email Management for State Agencies, 2020*

https://archives.utah.gov/rim/event_materials/20200812-email-management.html

Email: To Do

- Read the Archives guideline
- Watch Archives' email Q&A from August 2020
- Suggest/create a policy for email management
 - If not agency-wide, at least for your own email
- Tell Archives when an executive is leaving; work with Archives to transfer email for permanent preservation

Email

Questions?

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How Do You Manage Chat, Instant Messages, and Text Messages?

Chat, instant messages, text messages

- Formats best suited to transitory correspondence
- Have a policy
- Have retention schedules
- Help others understand that records are records regardless of whether on personal or work device

Chat, instant messages, text messages

- Work with employees & service providers to access records as necessary
- State agencies: can decide whether to allow "conversation history" to be turned off or not in Google chat

Chat Challenge #1

What constitutes a record?

- Same definition: GRAMA 63G-2-103(22)
<https://le.utah.gov/xcode/Title63G/Chapter2/63G-2-S103.html>
- Reproducible Information in any format that is prepared, owned, received, retained by government agency
- Even if it's on your personal device

Chat Challenge #2

How do you preserve records or provide access?

- Format is best for transitory correspondence
- Work with employee(s) and service providers to transfer records as necessary
- State agencies: can decide whether to allow "conversation history" to be turned off or not in Google chat

Chat Retention Schedules

- GRS-1759: Transitory correspondence

Chat: To Do

- Have a policy on use of personal devices and messaging applications
- Help others understand that records are records regardless of whether on personal or work device

Chat, instant messages, text messages

Questions?

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Summary

- Know your records
 - What they are
 - Where they're located
 - Who creates, accesses, controls, or uses them
 - What value they hold
- Have current retention schedules
- Read existing guidelines
- Create policies & procedures
- Do your best (due diligence)

Can You Destroy the Paper After Digitizing It?

Can you destroy the paper after digitizing it?

- A. Yes
- B. No
- C. It depends
- D. Not sure

Short answer

YES! You can destroy those paper records IF

- digital records will remain accessible throughout retention period
- records are not permanent (please send permanent paper records to State Archives after scanning)

Considerations

1. Legal requirement to keep record copy
2. Format strengths/weaknesses & retention
3. Fullest record information
4. Security & risks
5. Cost

Considerations

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Record copy

- **Record copy** must be maintained according to approved retention schedule (Utah Code [63A-12-105\(3\)](#))
- Sometimes called "official" copy
- May or may not be the original copy



Electronic records satisfy the law

- Uniform Electronic Transactions Act

46-4-301. Retention of electronic records -- Originals.

(1) If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record that:

- (a) **accurately reflects the information** set forth in the record after it was first generated in its final form as an electronic record or otherwise; and
- (b) **remains accessible** for later reference.

* “...Unless a law enacted after May 1, 2000, specifically prohibits the use of an electronic record for the specified purpose.”

Electronic records satisfy the law

As long as the records...

- Accurately reflect information
- Remain accessible

Other types of copies

Security

- Temporary Backup
- Usually at alternate location

Access

- Convenience
- Protect the record copy

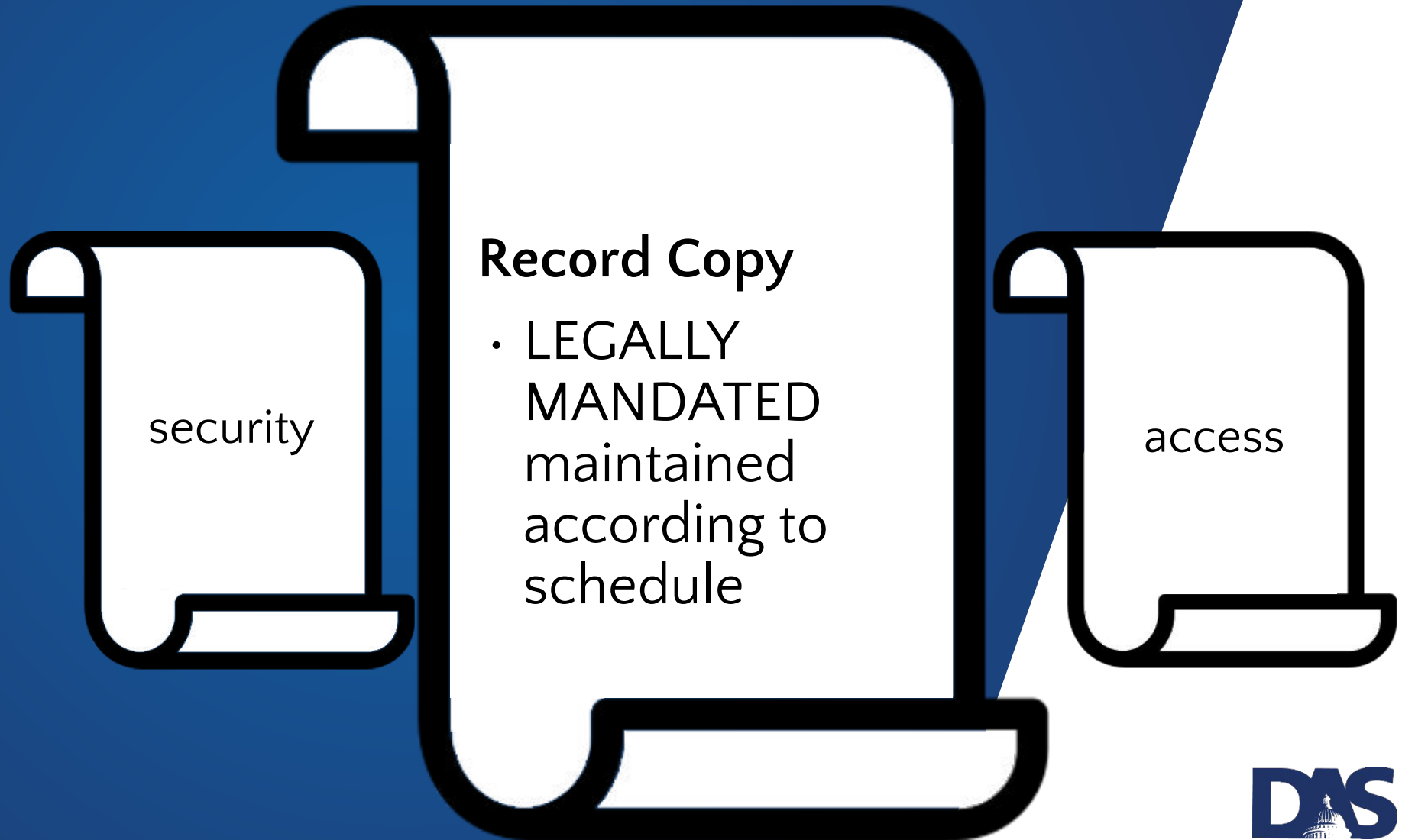
Preservation

- Permanent Backup
- Alternate location

Which is the record copy?

Your agency:

- ✓ Chooses
- ✓ Commits
- ✓ Manages all copies
- ✓ Preserves
- ✓ Disposes



Security

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Preservation

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Considerations

1. Legal requirement to keep record copy
2. Format strengths/weaknesses & retention
3. Fullest record information
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5. Cost

Evolving media



Evolving media



**Choose
media with
the function
of the copy
in mind**



Length of Retention ≥ 10 years?



<http://thegadgetflow.com/portfolio/bubble-tank-psalt-design/>

Permanent (or long retention) digital records

- **Preservation**

Preserve original system and records

- **Emulation**

Re-create the old environment in the new technology

- **Migration**

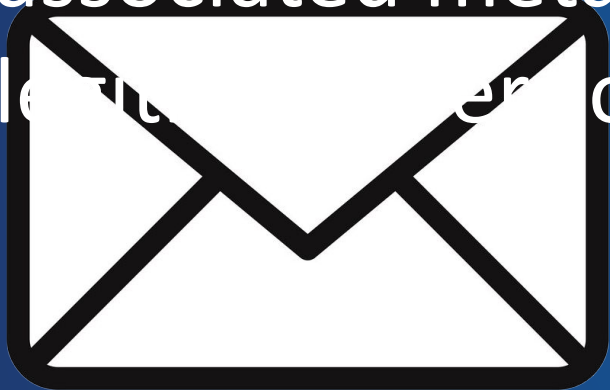
Convert records to new formats over time

Considerations

1. Legal requirement to keep record copy
2. Format strengths/weaknesses & retention
3. Fullest record information
4. Security & risks
5. Cost

3. **Fullest record information**

PDF of email does not contain all of the associated metadata & is not considered a faithful reproduction of the record



Established by case law in 1996 when the Supreme Court ruled on Armstrong vs. Executive Office of the President

Considerations

1. Legal requirement to keep record copy
2. Format strengths/weaknesses & retention
3. Fullest record information
4. Security & risks
5. Cost

Liability and Risk Management: Finding a Balance



How important are the records?

Are they historical?

Are they subject to audit?

Are they essential for operating?

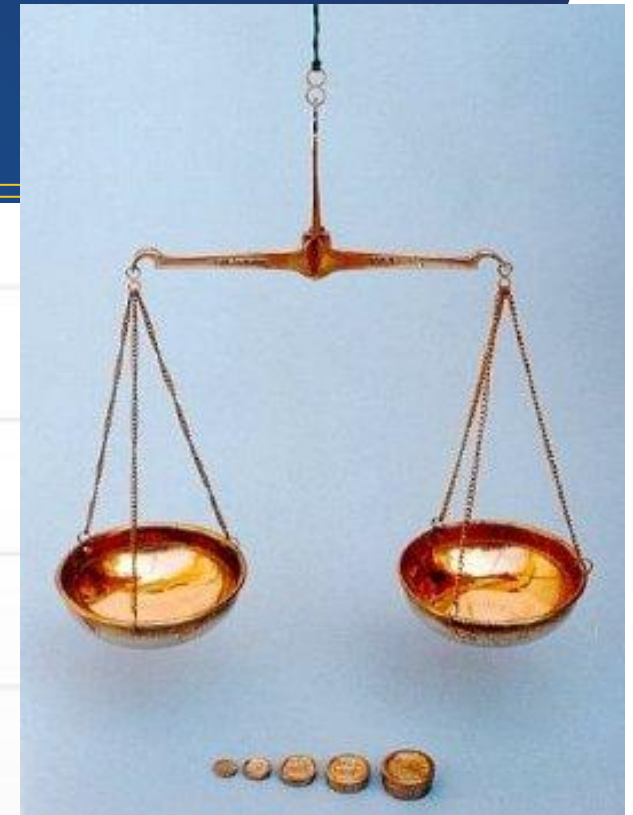
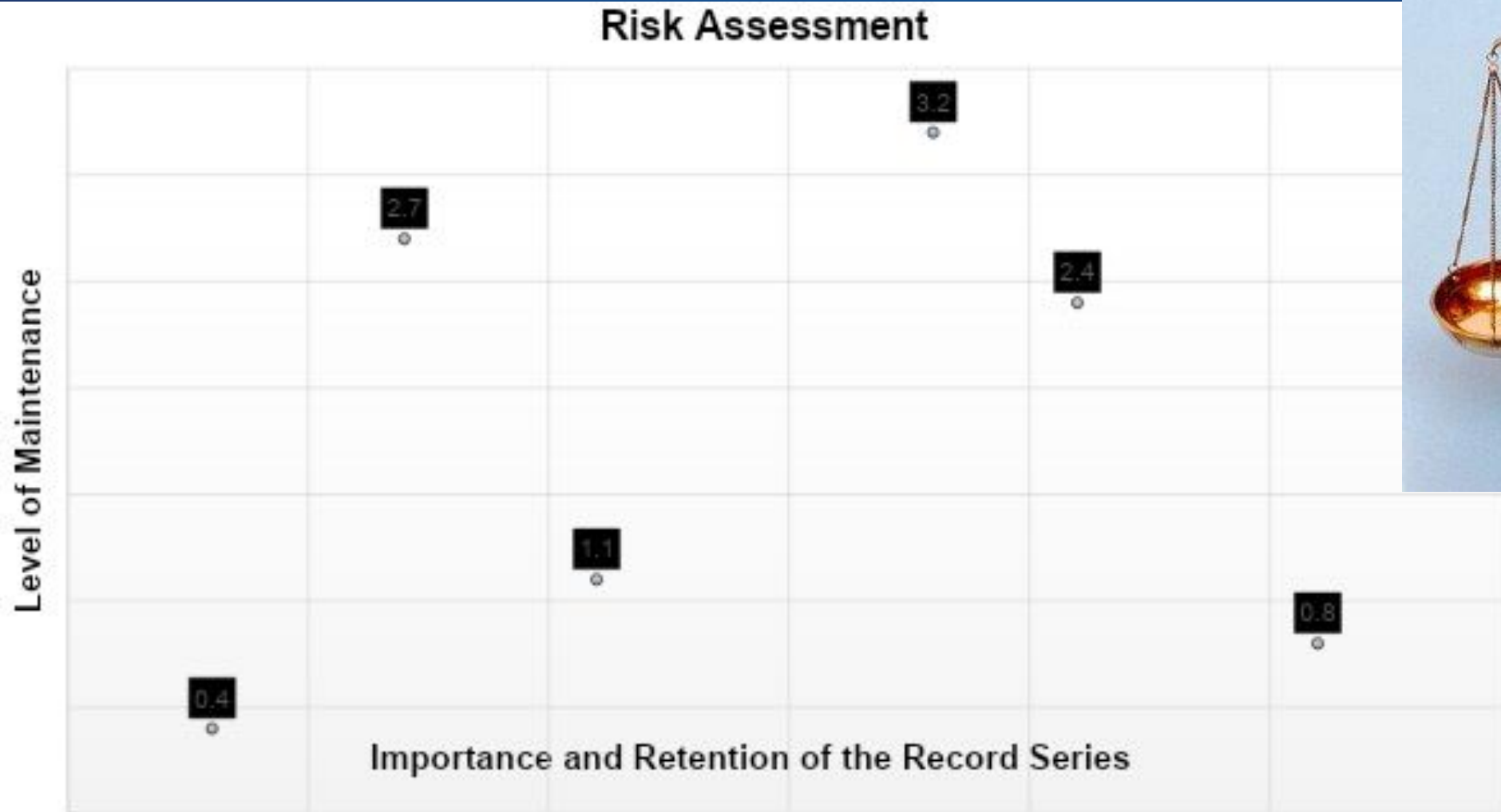
Can we migrate the data
successfully?

\$\$\$

How stable is my database?

Lunch atop a Skyscraper, 1932 photo by Charles C. Ebbets

Finding a balance



Must be protected

- Alteration
- Deletion
- Damage
- Theft
- Loss



Protective measures

- Security protocols
 - Approved administrators and users
- System checks & error-checking utilities
- Disaster preparedness measures
- Backups stored in multiple locations at least 50 miles off-site
- Migration of data

Considerations

1. Legal requirement to keep record copy
2. Format strengths/weaknesses & retention
3. Fullest record information
4. Security & risks
5. Cost

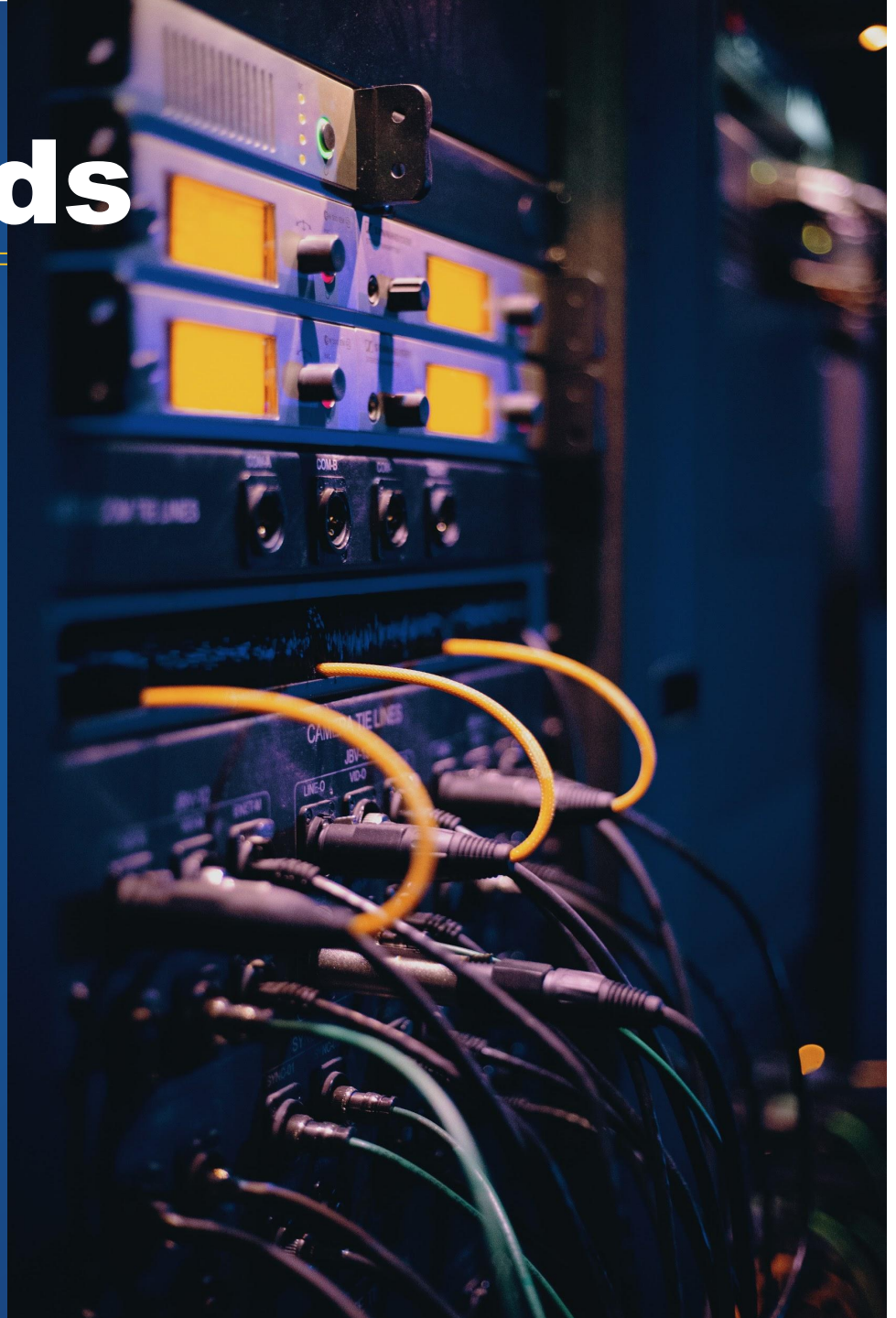
Cost of paper records

- Office space or State Records Center
- Backup?
- Security
- Staff access
- Public access



Cost of digital records

- Server space
- Systems and web integration
- Backups & integrity checks
- Cybersecurity
- Digitization
- Training staff
- Staff access
- Public access



Summary

1. Legal requirement to keep record copy
2. Format strengths and weaknesses
3. Fullest record information
4. Security / protection
5. Cost



Questions?



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801-531-3842

Find your RIM specialist at archives.utah.gov/rim/records-analysts.html



All Guidelines

- *Email Management for Local Agencies, 2020*
https://archives.utah.gov/rim/event_materials/20200819-email-management.html
- *Email Management for State Agencies, 2020*
https://archives.utah.gov/rim/event_materials/20200812-email-management.html
- *Email Management Guideline*
https://archives.utah.gov/rim/erm/Email%20Management%20Guideline_Revised_11-26-2019.pdf
- *GRAMA and Sharing Records*
<https://archives.utah.gov/opengovernment/sharing-records.html>
- *Guideline for Managing Data When Using a Third-Party Vendor*
<https://archives.utah.gov/documents/third-party-vendor-guideline.pdf>
- *Social Media Use Guideline for Government Agencies*
<https://archives.utah.gov/documents/social-media-guideline-2019.pdf>